IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 29 of 2006

GANI KHAN
V/S
STATE & ORS.

Mr. PRADEEP CHOUDHARY, for the appellant / petitioner

Mr. AK RAJVANSHY & Mr. SANGEET LODHA, for the respondent

Date of Order : 9.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner, and perused the impugned order Annex.12.

The grant of Patta was challenged on the ground, that the proceedings have not been taken in accordance with the provisions of the Panchayat Act, and that the land is of public way and public chowk.

The learned Collector has positively found, from perusal of the order-sheets of the Panchayat, and the various resolutions, that proceedings had been taken in accordance with the law, and has also found that the villagers had given in writing on 25.9.2001, before the Gram Panchayat, that they are agreeable for grant of Patta in favour of the private respondent. That apart, it has also been found, that there is no material on record to

show, that the land in question is of public way, or public chowk.

Learned counsel for the petitioner was pointedly asked, to show, as to what is the material available in the file of the Panchayat, or was available before the Collector to show, that the land in question is of public way, or public chowk, but no such material has been shown.

In that view of the matter, I do not find any error in the impugned order, requiring interference in my writ jurisdiction.

The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

/Sushil/